

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE BOARD OF TRUSTEES OF AND ON
BEHALF OF THE GENERAL
RETIREMENT SYSTEM OF THE CITY OF
DETROIT, on behalf of themselves and all
others similarly situated, *et al.*,

Plaintiffs,

-v-

BNY MELLON, N.A. and THE BANK OF
NEW YORK MELLON,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12-11-12

No. 11 Civ. 6345 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:


The Court is in receipt of the parties' joint letter, received in chambers on December 10, 2012, requesting that the Court rule on a discovery dispute between the parties regarding "Plaintiffs' refusal to provide discovery concerning their investment managers and investment consultants – other than Defendant The Bank of New York Mellon ("BNY Mellon") – who invested Plaintiffs' assets in Lehman Brothers ("Lehman") when Lehman declared bankruptcy on September 15, 2008."¹ Specifically, BNY Mellon seeks Plaintiffs' contracts with those investment managers and investment consultants, purportedly because those managers and consultants "may provide examples of what other prudent market participants did . . . when deciding whether to hold or to

¹ By Memorandum and Order dated September 10, 2012, the Court dismissed all claims against BNY Mellon, N.A. (Doc. No. 45.)

liquidate Lehman investments.” However, because BNY Mellon sets forth no articulable basis for why this discovery would be likely to lead to admissible evidence, the Court DENIES its request.

SO ORDERED.

Dated: December 10, 2012
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE